IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 1614 of 2007(P)

PETITIONER:

P.S.PHILIP,
VILLAGE ASSISTANT (UNDER SUSPENSION),
ATHIKKAYAM VILLAGE, RANNI TALUK,
RESIDING AT 'PALLITHAZHATHU HOUSE,
PAZHAVANGADY P.O., RANNI, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS:

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1. DISTRICT COLLECTOR,
PATHANAMTHITTA DISTRICT, PATHANAMTHITTA.

2. STATE OF KERALA, REP. BY ITS
COMMISSIONER AND SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM.

ADDL.R3. COMMISSIONER OF LAND REVENUE, THIRUVANANTHAPURAM.

(IMPLEADED AS ADDL. R3 AS PER ORDER ON IA 1422/07 DT. 31-1-2007)

BY GOVT. PLEADER MR. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 1614 OF 2007 P
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Dated this the 31st January, 2007

J U D G M E N T

The 1st respondent passed Ext. P1 order on 18-10-2003 placing the petitioner under suspension, while he was working as Village Assistant. Ground for suspension as seen from Ext. P1 is that he failed to remit certain amount on the working day immediately following the date of receipt of the amount. Subsequently, Crime No. 46 of 2004 of Perunad Police Station was registered against the petitioner. The case is pending trial before the competent criminal court. The petitioner has filed Ext. P3 appeal before the additional 3rd respondent requesting to revoke the order of suspension and to reinstate him in service.

2. Counsel for the petitioner submits that since the investigation of the case is over and since the trial may get prolonged, it may not be in the interest of justice to keep the petitioner under suspension. He has already been under suspension during the last about 3 years.

3. Ext. P3 was filed on 6-11-2006. As the

employee who has represented before the additional 3rd respondent is a person under suspension, urgent orders shall be passed on Ext. P3. Therefore, the writ petition is disposed of directing the additional 3rd respondent to consider Ext. P3 on merits and to pass orders in accordance with law within three weeks from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the additional 3rd respondent for appropriate action.

K.K. DENESAN
JUDGE

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